
IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH

LEE A. HOLLAAR and AUDREY M.
HOLLAAR,

Plaintiffs,

v.

MARKETPRO SOUTH, INC, a Maryland
corporation,

Defendant.

MEMORANDUM DECISION AND ORDER
GRANTING MOTION FOR RELEASE OF
DEPOSIT OF JUDGMENT

Case No. 2:22-cv-00559-TS-JCB

District Judge Ted Stewart

This matter is before the Court on Defendant MarketPro South Inc.’s Motion for Release of Deposit of Judgment filed by Defendant MarketPro South, Inc (“MarketPro”). Following dismissal of this case and entry of judgment in favor of MarketPro, the Court entered an Order awarding Defendant \$32,366.10 in attorney’s fees and costs.¹ Plaintiffs Lee A. Hollaar and Audrey M. Hollaar appealed the Court’s dismissal of the case to the Tenth Circuit. While Plaintiffs’ appeal was pending, MarketPro agreed to a stay of execution of the judgement if Plaintiffs would deposit \$38,551.26 with the Clerk of Court as security.

Magistrate Judge Jared Bennett granted Plaintiffs’ Motion for Stay of Enforcement of Judgment finding, “[t]hree years of post-judgment interest on the \$32,366.10 judgment calculated at the current rate totals \$6,185.16. Accordingly . . . [Plaintiffs] should deposit \$38,551.26 with the Clerk of Court in order to secure MarketPro’s right to interest accrued on the judgment during pendency of the appeal.”² However, Judge Bennett then went on to explain as follows:

¹ Docket No. 35.

² Docket No. 45, at 3.

[T]he amount of Plaintiffs' deposit does not alter the amount of the judgment. In other words, if MarketPro prevails on appeal and the deposit is released to MarketPro upon MarketPro's motion, MarketPro will only be awarded the actual amount of interest accrued through that date, and the remainder will be refunded to Plaintiffs.³

The Court will, accordingly, order the release of funds consistent with the Magistrate Judge's order: MarketPro will receive the amount equal to the amount of attorney's fees awarded by the Court on March 6, 2023 (\$32,366.10), plus the amount of interest actually accrued on Plaintiffs' deposit. Plaintiffs will receive the remaining amount.

It is therefore

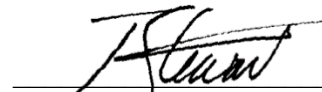
ORDERED that the Clerk of Court release \$32,366.10 from Plaintiffs' \$38,551.26 Deposit of Judgment plus the amount of interest actually accrued through the date of disbursement, to counsel for Defendant MarketPro South. It is further

ORDERED that the Clerk of Court return all funds remaining from the Deposit of Judgment to Plaintiff Lee A. Hollaar. It is further

ORDERED that counsel for Defendant MarketPro South and Plaintiff Lee A Hollaar contact the Court's Financial Office at utdecf_forders@utd.uscourts.gov to arrange for receipt of the funds owed to them.

DATED this 17th day of June, 2024.

BY THE COURT:



Ted Stewart
United States District Judge

³ *Id.*